



Attorney Docket No. 1344.1137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Yasushi SUGAYA, et al.

Application No.: 10/798,267

Group Art Unit: 3663

Filed: March 12, 2004

Examiner: TBA

For: OPTICAL AMPLIFIER PROVIDED WITH CONTROL FUNCTION OF PUMPING LIGHT,
AND OPTICAL TRANSMISSION SYSTEM USING THE SAME

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. ☐ English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. ☒ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☒ This Information Disclosure Statement is filed under 37 CFR §1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☒ Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☐ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)

- 3a. ☐ The §1.97(e) Statement in Item 5 below is applicable; OR
3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
☐ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

4. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND
4b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
☐ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

5. ☐ Statement under § 1.97(e) (*applicable if Item 3a or Item 4a is checked*)

(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

(Check appropriate Items 6a and/or 6b)

- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

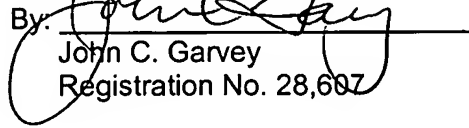
7. ☐ This is a continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114.
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on _____.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed _____.
9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed.)
- 9b. ☐ set forth in the application.
- 9c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
- 9d. ☒ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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John C. Garvey
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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTORNEY DOCKET NO.
1344.1137APPLICATION NO.
10/798,267

LIST OF REFERENCES CITED BY APPLICANT

FIRST NAMED INVENTOR
Yasushi SUGAYA, et al.FILING DATE
March 12, 2004GROUP ART UNIT
3663

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	BA						
	BB						
	BC						
	BD						
	BE						
	BF						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	BG						
	BH						
	BI						
	BJ						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	BK	"Observation of Catastrophic Self-Propelled Self-Focusing In Optical Fibres", Electronic Letters, Vol. 24, No. 1, pgs. 48-49, Jan. 1988
	BL	D.P. Hand, et al., "Solitary Thermal Shock Waves And Optical Damage In Optical Fibers: The Fiber Fuse," Optics Letters, Vol., 13, No. 9, pgs. 767-769, Sept. 1988
	BM	M. Wegmuller, et al., "Distributed Gain Measurements In Er-Doped Fibers With High Resolution and Accuracy Using An Optical Frequency Domain Reflectometer," Journal of Lightwave Technology, Vol. 18, No. 12, pgs. 2127-2132, Dec. 02
	BN	J.P. von der Weid, et al., "On the Characterization of Optical Fiber Network Components with Optical Frequency Domain Reflectometry," Journal of Lightwave Technology, Vol. 15, No. 7, pgs. 1131-1141, July 97

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



ATTACHMENT 1(e)

EXPLANATIONS OF RELEVANCY OF REFERENCES	ATTORNEY DOCKET NO.	APPLICATION NO.
	1344.1137	10/798,267
	FIRST NAMED INVENTOR	
	Yasushi SUGAYA, et al.	
	FILING DATE	GROUP ART UNIT
	March 12, 2004	3663

Inventor, Patent Number, Country Author, Title, Name of Document	Issue date	Concise Explanation of the Relevance (indication of page, column, line, figure of the relevant portion)
1. Japanese Unexamined Patent Publication No. 2000-98433 (corresponding to US Patent No. 6,636,344)	April 7, 2000	Background
2. Japanese Unexamined Patent Publication No. 2002-076482 (corresponding to US Patent No. 6,510,000)	March 15, 2002	Background
3. Japanese Unexamined Patent Publication No. 09-064446	March 7, 1997	Background
4. Japanese Unexamined Patent Publication No. 2002-040496 (corresponding to US 2002-12161A)	February 6, 2002	Background
5. Japanese Unexamined Patent Publication No. 2002-072262	March 12, 2002	Background
6. International Patent Publication No. WO02/21204 (corresponding to US 2002-044336 A)	March 14, 2002	Background
7. "OBSERVATION OF CATASTROPHIC SELF-PROPELLED SELF-FOCUSING IN OPTICAL FIBRES" Electronics letters, vol.24, No1, pp 48-49, January 1988	January 1988	Background
8. D. P. Hand, et al. "Solitary thermal shock waves and optical damage in optical fibers: the fiber fuse" Optics Letters, vol. 13, No.9, pp 767-769, Sep. 1988	September 1988	Background

**ATTACHMENT 1(e)****EXPLANATIONS OF RELEVANCY
OF REFERENCES**

ATTORNEY DOCKET NO.	APPLICATION NO.
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9. M. Wegmuller, et al. "Distributed Gain Measurements in Er-Doped Fibers with High Resolution and Accuracy Using an Optical Frequency Domain Reflectometer" Journal of Lightwave Technology, vol.18, No. 12, pp 2127-2132, Dec. 2000	December 2000	Background
10. J. P. von der Weid, et al. "On the Characterization of Optical Fiber Network Components with Optical Frequency Domain Reflectometry" Journal of Lightwave Technology, vol. 15, No. 7, pp 1131-1141 July 1997	July 1997	Background



Sheet 1 of 1

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	ATTORNEY DOCKET NO.	APPLICATION NO.
	1344.1137	10/798,267
	FIRST NAMED INVENTOR	
	Yasushi SUGAYA, et al.	
	FILING DATE	GROUP ART UNIT
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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	6,636,344	10/21/03	Akasaka et al.			
	AB	6,510,000	01/21/03	Onaka et al.			
	AC	2002-12161A	01/31/02	Tsuzaki et al.			
	AD	2002- 0044336 A	04/18/02	Tanaka et al.			
	AE						
	AF						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO	
	AG	09-064446	03/07/97	Japan			xx	
	AH	2002-40496	02/06/02	Japan (corresponds to US 2002-12161A)				xx
	AI	2002-072262	03/12/02	Japan			abs	
	AJ	2000-98433	04/07/00	Japan (corresponds to USP 6,636,334				xx
	AK	2002-76482	03/15/02	Japan (corresponds to USP 6,510,000)				xx
	AL	WO 02/21204	03/14/02	PCT (corresponds to 2002-044336 A)				xx

EXAMINER	DATE CONSIDERED
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